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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Group Art Unit 3611

In re

Patent Application of

Jeffrey E. Richlen, et al.

Application No. 10/611,620

Confirmation No.: 1418

Filed: July 1, 2003

Examiner: DePumpo, Daniel G.

“RADIO FOR A MOTORCYCLE”

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Reply to Notice of Non-Compliant Appeal Brief and Replacement Appeal Brief for the above-identified application. We have not enclosed a fee for this Reply as we have previously paid the fee when the Appeal Brief was filed on May 24, 2005.

In the event Applicants have overlooked the need to request an extension of time, please consider this a request for the same.

Charge or credit Deposit Account No. 13-3080 with any shortage or overpayment of the fees associated with this communication. A duplicate copy of this sheet is enclosed.

I, Bridget Laack, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Bridget Laack
Signature

December 12, 2005
Date of Signature

Respectfully submitted,

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Thomas J. Otterlee
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I, Bridget Laack, hereby certify that this correspondence is being deposited with the US Postal Service as first class mail in an envelope addressed to Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of my signature.

Bridget Laack
Signature

December 12, 2005
Date of Signature

**REPLY TO NOTICE OF NON-COMPLIANT APPEAL BRIEF AND
REPLACEMENT APPEAL BRIEF**

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants have appealed from the final rejection dated December 22, 2004 and the Advisory Action dated March 15, 2005. Applicants hereby respond to the Notice of Non-Compliant Appeal Brief mailed by the Patent Office on November 10, 2005. Applicants previously sent a check for \$500.00 in payment of the fee required under 37 CFR 41.20(b)(2). Please charge or credit Deposit Account No. 13-3080 with any underpayment or overpayment of fees associated with the filing of this Reply and Replacement Appeal Brief.

(1) Real Party in Interest.

The real party in interest is Harley-Davidson Motor Company Group, Inc., 3700 W. Juneau Avenue, Milwaukee, WI 53208.

(2) Related Appeals and Interferences.

There are no related appeals or interferences.

(3) Status of Claims.

Claims 1-16 and 24-32 are canceled. Claims 17-23 and 33-45 are pending and are attached as Appendix A. Claims 17-18 and 20-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Murayama (U.S. Patent No. 4,473,251). Claims 17-19, 21-22, 33-37, 39-43, and 45 stand rejected under 35 U.S.C. §102(b) as being anticipated by Willey (U.S. Patent No. 5,732,965). In addition, claims 17-18, 20, and 22-23 stand rejected under 35 U.S.C. §102(e) as being anticipated by Stanberry (U.S. Patent Publication No. 2002/0131606). Claims 39-45 stand rejected under 35 U.S.C. §112, second paragraph. Claims 20, 34, and 42 are objected to under 37 C.F.R. 1.75(c). The Examiner also indicated that claims 38 and 44 would be allowable if rewritten in independent form and rewritten to overcome any §112 rejections. Applicants appeal the rejection of claims 17-19, 21-23, 33, 35-37, 39-41, 43, and 45.

(4) Status of Amendments.

Applicants filed amendments in a response dated February 22, 2005. However, the Examiner did not enter the amendments.

(5) Summary of Claimed Subject Matter.

Independent claim 17 defines a break-away mounting system for mounting an electronic device (such as a radio (25) with speakers (30)) to a motorcycle (10). *See spec. pg. 3, lines 3-10.* The motorcycle includes a motorcycle riser (110) having an upper portion (145) and a lower portion (150) that at least partially attach a handlebar (20) to the motorcycle. *See spec. pg. 6, lines 1-2.* A first bracket (115) is connectable to at least one of the upper portion (145) and the lower portion (150) with a fastener (157). *See spec. pg. 6, lines 4-11.* A second bracket (120) is connectable to the electronic device and is detachably connected to the first bracket (115). *See spec. pg. 7, lines 12-16 and lines 20-23.* Rotation of the second bracket (120) relative to the first bracket (115) disengages the second bracket (120) from the first bracket (115). *See spec. pg. 8, lines 18-31.*

Independent claim 33 defines a break-away mounting system for mounting an electronic device (such as a radio (25) with speakers (30)) to a motorcycle (10), which has a motorcycle riser (110). *See spec. pg. 3, lines 3-10.* A first bracket (115) is connectable to the motorcycle riser (110). *See spec. pg. 6, lines 4-11.* A second bracket (120) is connectable to the electronic device and is detachably connected to the first bracket (115). *See spec. pg. 7, lines 12-16 and lines 20-23.* Rotation of the second bracket (120) relative to the first bracket (115) disengages the second bracket (120) from the first bracket (115). *See spec. pg. 8, lines 18-31.* The first bracket (115) includes a bar (140). *See spec. pg. 6, lines 25-27.* The second bracket (120) includes an attachment portion (185, 190) that is substantially C-shaped. *See spec. pg. 7, lines 12-13 and lines 20-23.* The attachment portion (185, 190) is detachably connected to the bar (140). *See spec. pg. 8, lines 18-31.*

Independent claim 39 defines a break-away mounting system for mounting an electronic device (such as a radio (25) with speakers (30)) to a motorcycle riser (110). *See spec. pg. 3, lines 3-10.* The riser has an upper portion (145), a lower portion (150), and a fastener (157) that cooperate to attach a handlebar (20) to the motorcycle (10). *See spec. pg. 6, lines 1-2.* A first bracket (115) is connectable to the riser. *See spec. pg. 6, lines 4-11.* The fastener (157) is operable to attach the first bracket (115), the upper portion (145), and the lower portion (150) to one another. *See spec. pg. 6, lines 4-11.* A bar (140) including first and second ends is attached to the first bracket (115). *See spec. pg. 6, lines 25-27.* A second bracket (120) is connectable to the electronic device. *See spec. pg. 7, lines 12-16.* The second bracket (120) includes a first clamp portion (185) attachable to the bar (140) near the first end. A second clamp portion (190) is attachable to the bar (140) near the second end. *See spec. pg. 7, lines 12-28.* The first clamp portion (185) and the second clamp portion (190) are detachably connected to the bar (140). *See spec. pg. 8, lines 18-31.*

Dependent claims 18, 35, and 40 add, among other things, that the motorcycle includes spacers (130) that extend above the upper portion (145) and connect to the first bracket (115). *See spec. pg. 5, lines 27-31.*

Claim 19 adds that the first bracket (115) includes a bar (140). *See spec. pg. 5, lines 30-31.* In addition, claim 19 adds that the second bracket (120) includes an attachment portion that is substantially C-shaped. *See spec. pg. 7, lines 12-13.* The C-shaped portion is detachably connected to the bar (140). *See spec. pg. 7, lines 21-23.*

Claims 21 and 36 add that the second bracket (120) includes legs (205) that contact the first bracket (115) along a line of contact (222). *See spec. pg. 7, lines 30-31 and pg. 8, lines 18-22.* In addition, rotation of the second bracket (120) relative to the first bracket (115)

about the line of contact (222) disengages the second bracket (120) from the first (115). *See spec. pg. 8, lines 18-26.*

Claims 22, 37, and 43 add that the first bracket (115) includes an aperture (170). *See spec. pg. 6, lines 20-21 and pg. 7, lines 1-3.* In addition, the second bracket (120) includes a tail portion (220) that extends through the aperture (170). *See spec. pg. 7, lines 29-30.*

Claims 23 adds a grommet (180) that is disposed within the aperture (170). *See spec. pg. 7, lines 3-6.*

Claim 41 adds that the first clamp portion (185) and the second clamp portion (190) each include an attachment portion that is substantially C-shaped. *See spec. pg. 7, lines 12-13.* The attachment portion is detachably connected to the bar (140). *See spec. pg. 8, lines 22-26.*

Claim 45 adds that rotation of the second bracket (120) relative to the first bracket (115) disengages the second bracket (120) from the first bracket (115). *See spec. pg. 8, lines 22-26.*

(6) Grounds of Rejection to be Reviewed on Appeal.

Whether claims 17-18 and 21-22 are unpatentable under 35 U.S.C. §102(b) over Murayama (U.S. Patent No. 4,473,251). Whether claims 17-19, 21-22, 33, 35-37, 39-41, 43, and 45 are unpatentable under 35 U.S.C. §102(b) over Willey (U.S. Patent No. 5,732,965). Whether claims 17-18 and 22-23 are unpatentable under 35 U.S.C. §102(e) over Stanberry (U.S. Patent Publication No. 2002/0131606). In light of the foregoing, Applicants appeal the rejection of claims 17-19, 21-23, 33, 35-37, 39-41, 43, and 45.

(7) Argument.

In order for a reference to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131.01 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." MPEP § 2131.01 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

In evaluating the scope of the claims, the Examiner must give the claims the broadest possible scope. However, the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach. MPEP §2111 citing *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999) (The Board's construction of the claim limitation "restore hair growth" as requiring the hair to be returned to its original state was held to be an ** >incorrect< interpretation of the limitation. The court held that, consistent with applicant's disclosure and the disclosure of three patents from analogous arts using the same phrase to require only some increase in hair growth, one of ordinary skill would construe "restore hair growth" to mean that the claimed method increases the amount of hair grown on the scalp, but does not necessarily produce a full head of hair.).

A – Rejection of claims 17-18 and 21-22 under 35 U.S.C. §102(b) over Murayama (U.S. Patent No. 4,473,251)

i: Claims 17, 18, and 22

Independent claim 17 recites a break-away mounting system for mounting an electronic device to a motorcycle that includes a motorcycle riser having an upper portion and a lower portion that at least partially attach a handlebar to the motorcycle. The break-away mounting system includes a first bracket that is connectable to at least one of the upper portion and the lower portion with a fastener. A second bracket is connectable to the electronic device and is detachably connected to the first bracket. Rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket.

Murayama does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connectable to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Murayama discloses an audio device for a motorcycle that attaches to the front cowl. The front cowl 1 is attached to the body of the motorcycle. *See col. 2, line 16*. An outer case 24 (first bracket as identified by the Examiner) is connected to the front cowl 1 using a plurality of screws 25. An audio control unit 52 is disposed within a case 53 (second bracket as defined by the Examiner) that is engageable with the outer case 24. While the front cowl 1 is attached to the body of the motorcycle, there is no discussion of the cowl 1 being connectable to a riser, much less connectable to a riser with a fastener.

As is well known in the motorcycle art, a riser facilitates the attachment of the handlebar to a motorcycle. Thus, the riser must move with the handlebar to steer the motorcycle. However, Murayama states that the motorcycle includes a steering handle 3 that

may be movable *independent* of the cowl 1. *See col. 2, line 18-20.* If the steering handle 3 is movable independent of the cowl 1, the riser, which supports the steering handle 3, must also be movable *independent* of the cowl 1. Thus, neither the outer case 24 nor the case 53 can be connectable to the motorcycle riser with a fastener, as this connection would tie the cowl 1 to the riser such that the two components could not rotate independent of one another. The Examiner attempts to overcome this by stating “the term ‘connectable’ is extremely broad.” *See Office action dated December 22, 2004, page 4.* In addition, the Examiner states the “term [connectable] is merely functional, and only requires that the first bracket is capable of being connected to a motorcycle.” However, this interpretation disregards the remainder of the limitation that requires that the first bracket be connectable using a fastener. As discussed above, the component identified by the Examiner in Murayama as being analogous to the first bracket, the outer case 24, cannot possibly be attached to the upper portion or the lower portion of the riser using a fastener without inhibiting the desired function of the motorcycle.

As such, Murayama does not teach each and every limitation of claim 17. Accordingly, claim 17 is allowable over Murayama. Claims 18 and 22 depend from claim 17 and are allowable over Murayama for the same and other reasons.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 17-18 and 22 and allowance of claims 17-18 and 22.

ii: Claim 21

The arguments presented above with regard to claims 17, 18, and 22 apply with equal weight to claim 21. Rather than represent the arguments set forth above, Applicants refer to the discussion above for claims 17, 18, and 22.

Claim 21 depends from claim 17 and adds that the second bracket includes legs that contact the first bracket along a line of contact, and wherein rotation of the second bracket relative to the first bracket about the line of contact disengages the second bracket from the first. Claim 21 was rejected as being anticipated by Murayama and Willey.

The Examiner has identified in Murayama a first bracket 24 and a second bracket 53. *See Office action dated December 22, 2004, page 3.* The Examiner further states that the brackets are disengaged by rotation of the second bracket about a line of contact. *See Office action dated December 22, 2004, page 3.* However, the Examiner fails to identify legs that contact the first bracket along the line of contact. Applicants are left to guess as to what features or components are analogous or teach legs. The tabs 54 extend from the second bracket but they do not define a line of contact about which the second bracket rotates relative to the first. Thus, these cannot be the legs. The actual axis of revolution taught by Murayama is defined by the contact of a surface and a corner. The surface is part of the second bracket but it is not a leg as that term is defined in the specification. Thus, Applicants are at a loss as to what features or components the Examiner believes teach a leg that contacts the first bracket along a line of contact about which the second bracket rotates relative to the first bracket.

As such, the Examiner has failed to demonstrate that Murayama teaches each and every limitation of claim 21. Accordingly, claim 21 is allowable over Murayama.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 and allowance of claim 21.

B – Rejection of claims 17-19, 21-22, 33, 35-37, 39-41, 43, and 45 under 35 U.S.C. §102(b) over Willey (U.S. Patent No. 5,732,965)

i: Claims 17, 18, and 22

Willey does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connectable to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Willey discloses a mounting system for a motorcycle accessory. The system includes a pair of anchors 60, 66 that are supported by a bracket 54 that includes left and right hand halves 56, 58. The left and right hand halves are secured to the upper portion of the fork assembly 12. A latch mechanism housing 74 attaches to the anchors 60, 66 to attach the accessory to the fork assembly 12. The Willey device is not connectable to a riser nor is it connectable to a riser using a fastener.

The Examiner attempts to change the definition of a riser to adapt Willey into an anticipatory reference. The Examiner argues that Willey teaches the system of claim 17 and identifies what are believed to be analogous components. The Examiner argues that Willey teaches “a first bracket 58/60, a second bracket 88, a spacer 56, and a riser (the part of the fork tubes that are below the spacer 56).” The Examiner’s definition of a riser does not conform with the Applicants’ definition nor does it conform with the definition of a riser as understood by one of ordinary skill in the art. As is well known in the art of motorcycles, the riser extends above the triple clamp and facilitates the attachment of the handlebar to the triple clamp. The forks of the motorcycle terminate in the triple clamp and as such, the forks form no part of the riser. Thus, the Examiner’s definition of the riser as being the part of the forks below the spacer 56 is simply wrong. Thus, Willey does not teach a first bracket that is connectable to a riser if the proper definition of “riser” is applied.

As such, Willey does not teach each and every limitation of claim 17 and cannot be interpreted as being anticipatory without applying an improper definition to the term “riser.” Accordingly, claim 17 is allowable over Willey. Claims 18 and 22 depend from claim 17 and are allowable over Willey for the same and other reasons.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 17-18 and 22 and allowance of claims 17-18 and 22.

ii: Claims 19, 33, 35, and 37

The arguments presented above with regard to claims 17-18 and 22 apply with equal weight to claims 19, 33, 35, and 37. Rather than represent the arguments set forth above, Applicants refer to the discussion above for claims 17-18 and 22.

Claim 19 depends from claim 17 and adds further limitations that make claim 19 similar to claim 33. Due to the similarities of these limitations, claims 33 and 19 will be discussed together below.

Independent claim 33 recites a break-away mounting system for mounting an electronic device to a motorcycle having a motorcycle riser. The break-away mounting system includes a first bracket that is connectable to the motorcycle riser. A second bracket is connectable to the electronic device and detachably connected to the first bracket. Rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket. The first bracket further comprises a bar and the second bracket includes an attachment portion that is substantially C-shaped. The attachment portion is detachably connected to the bar.

The Examiner rejected claims 19, 33, 35, and 37 as being anticipated by Willey. In addition to the deficiencies set forth with regard to claims 17-18 and 22, Willey also fails to teach a first bracket that further comprises a bar and a second bracket that includes an attachment portion that is substantially C-shaped and is detachably connected to the bar. Willey discloses a mechanism that includes posts that are engaged by a latch mechanism. However, the Examiner failed to identify a component analogous to a C-shaped portion. Thus, Applicants are left to guess as to which components the Examiner believes teach the claim limitations.

The posts appear to engage recesses 82, 96. However, these recesses are not C-shaped. A C-shaped recess includes an open end that is closed slightly (i.e., smaller than the maximum diameter defined by the “C”) to allow the recess to engage and hold the post. Thus, a C-shaped recess would require considerable force to engage the posts of Willey and would make the Willey device difficult to use.

As such, Willey does not teach each and every limitation of claims 19 and 33. Accordingly, claims 19 and 33 are allowable. Claims 35 and 37 depend from claim 33 and are allowable for the same and other reasons.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 19, 33, 35, and 37 and allowance of claims 19, 33, 35, and 37.

iii: Claim 21

Claim 21 depends from claim 17 and adds that the second bracket includes legs that contact the first bracket along a line of contact, and wherein rotation of the second bracket

relative to the first bracket about the line of contact disengages the second bracket from the first.

With regard to Willey, the Examiner has identified items 58 and 60 as being analogous to the first bracket and a pivot latch 88 as being analogous to a second bracket. *See Office action dated December 22, 2004, page 3.* If the pivot latch 88 is indeed the second bracket, it must also include legs that contact the first bracket along a line of contact, and the second bracket (pivot latch 88) must rotate about the line of contact to disengage the second bracket from the first bracket. However, the pivot latch does not include any features that would constitute legs, nor has the Examiner attempted to identify such structure. Furthermore, the pivot latch 88 does pivot about an axis. However, the axis is defined by a pin and is not defined by contact between legs and the first bracket. In fact, the axis is completely independent of items 58 and 60 that constitute the first bracket as defined by the Examiner.

As such, Willey does not teach each and every limitation of claim 21. Accordingly, claim 21 is allowable over Willey.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 21 and allowance of claim 21.

iv: Claim 36

The arguments presented above with regard to claims 17, 18, 19, 33, 35, and 37 apply with equal weight to claim 36. Rather than represent the arguments set forth above, Applicants refer to the discussion above for claims 17, 18, 19, 33, 35, and 37.

Claim 36 depends from claim 33 and adds that the second bracket includes legs that contact the first bracket along a line of contact, and wherein rotation of the second bracket

relative to the first bracket about the line of contact disengages the second bracket from the first. Claim 36 was rejected as being anticipated by Willey. The limitations added by claim 36 are similar to the limitations recited in claim 21.

The Examiner has identified in Willey items 58 and 60 as being analogous to the first bracket and a pivot latch 88 as being analogous to a second bracket. *See Office action dated December 22, 2004, page 3.* If the pivot latch 88 is indeed the second bracket, it must also include legs that contact the first bracket along a line of contact, and the second bracket (pivot latch 88) must rotate about the line of contact to disengage the second bracket from the first bracket. However, the pivot latch does not include any features that would constitute legs, nor has the Examiner attempted to identify such structure. Furthermore, the pivot latch 88 does pivot about an axis. However, the axis is defined by a pin and is not defined by contact between legs and the first bracket. In fact, the axis is completely independent of items 58 and 60 that constitute the first bracket as defined by the Examiner.

As such, Willey does not teach each and every limitation of claim 36. Accordingly, claim 36 is allowable.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 36 and allowance of claim 36.

v: Claims 39-40, 43, and 45

Independent claim 39 defines a break-away mounting system for mounting an electronic device to a motorcycle riser. The riser includes an upper portion, a lower portion, and a fastener that cooperate to attach a handlebar to the motorcycle. The break-away mounting system includes a first bracket that is connectable to the riser. The fastener is

operable to attach the first bracket, the upper portion, and the lower portion to one another. A bar includes a first end and a second end. The bar is attached to the first bracket. A second bracket is connectable to the electronic device. The second bracket includes a first clamp portion attachable to the bar near the first end and a second clamp portion attachable to the bar near the second end. The first clamp portion and the second clamp portion are detachably connected to the bar.

In support of the rejection of claim 39, the Examiner argued in entirety “Willey teaches a system having the structure as broadly claimed. As shown in figs. 1 and 2, the system includes a first bracket 58/60, a second bracket 88, a spacer 56, and a riser (the part of the fork tubes that are below the spacer 56).” *Office action dated December 22, 2004, pg. 3.* The Examiner again failed to identify many of the claimed features, thus leaving Applicants to guess as to what features the Examiner may believe teach the claimed subject matter.

Applicants cannot find in Willey, among other things, a bar that includes a first end and a second end that receive a first clamp portion and a second clamp portion respectively. Willey appears to disclose two separate bar portions that each engage a portion of a locking mechanism. However, no single bar engages two clamp portions of the second housing with one clamp portion near each end.

Furthermore, Willey makes no mention of a riser, much less a riser having an upper portion and a lower portion. Thus, Applicants cannot find a teaching in Willey of a fastener that connects a first bracket, an upper portion, and a lower portion to one another.

As such, Willey does not teach each and every limitation of claim 39. Accordingly, claim 39 is allowable. Claims 40, 43, and 45 depend from claim 39 and are allowable for these and other reasons.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 39-40, 43, and 45 and allowance of claims 39-40, 43, and 45.

vi: Claim 41

The arguments presented above with regard to claims 39-40, 43, and 45 apply with equal weight to claim 41. Rather than represent the arguments set forth above, Applicants refer to the discussion above for claims 39-40, 43, and 45.

Claim 41 depends from claim 39 and adds that the first clamp portion and the second clamp portion each include an attachment portion that is substantially C-shaped, and wherein the attachment portion is detachably connected to the bar. Claim 41 was rejected as being anticipated by Willey.

The Examiner did not identify any components or features that are believed to teach or be analogous to the first clamp portion and the second clamp portion. As such, the Applicants are forced to guess as to what features the Examiner believes are C-shaped. As recited in claim 41, the first and second clamp portions are part of the first bracket. The Examiner identified latch 88 as the second bracket. Thus, the Examiner believes this component includes two C-shaped portions that engage a bar. Applicants have identified two recesses 82, 96. However, these recesses are not C-shaped as their open ends are substantially the same width as the remainder of the recess (thus, they are at best U-shaped). In other words, the recesses 82, 96 do not include a slight closed open end that is able to engage a bar. In addition, the recesses 82, 96 do not engage opposite ends of a bar but rather engage separate

bars. Applicants can find no other structure in Willey that would remotely resemble a substantially C-shaped portion.

As such, Willey does not teach each and every limitation of claim 41. Accordingly, claim 41 is allowable.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 41 and allowance of claim 41.

C – Rejection of claims 17-18 and 22-23 under 35 U.S.C. §102 over Stanberry (U.S.

Patent Publication No. 2002/0131606)

i: Claims 17-18 and 22-23

Stanberry does not teach or suggest, among other things, a break-away mounting system that includes a first bracket that is connectable to at least one of the upper and lower portion of a motorcycle riser with a fastener. Rather, Stanberry discloses a motorcycle audio system that includes a housing that receives a conventional audio device and is mounted to the windshield assembly of the motorcycle. The Examiner points to a housing 2 as a first bracket and to a second bracket including rotatable screw 48 as illustrated in Fig. 6A. However, Fig. 6A illustrates the attachment of an antenna to the first bracket and teaches nothing regarding mounting the first bracket 2 to the riser of a motorcycle. Rather, the system is clearly described as being attachable to a windshield. The Examiner attempts to overcome this fact by again redefining the term “riser” to include the mounting strut 44. As discussed, the riser is a specific component in the motorcycle art and is well known by those of ordinary skill. No one of ordinary skill would argue or agree that the struts 44 are risers.

As such, Stanberry does not teach each and every limitation of claim 17 and cannot be interpreted as being anticipatory without applying an improper definition to the term “riser.” Accordingly, claim 17 is allowable over Stanberry. Claims 18, 22, and 23 depend from claim 17 and are allowable over Stanberry for the same and other reasons.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection and allowance of claims 17-18 and 22-23.

D – 35 U.S.C. §112 Rejection of Claims 39-45

Claims 39-45 stand rejected under 35 U.S.C. §112 for failing to provide antecedent basis for “the motorcycle” in line 3 of claim 39. In the response that was not entered by the Examiner, Applicants corrected this deficiency. Such a correction can be made following this appeal to place claims 39-45 in a condition for allowance.

(9) Conclusion.

In view of the foregoing, reversal of the final rejection of claims 17-19, 21-23, 33, 35-37, 39-41, 43, and 45 and allowance of claims 17-19, 21-23, 33, 35-37, 39-41, 43, and 45 are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'TH J Otterlee', with a long horizontal flourish extending to the right.

Thomas J. Otterlee
Reg. No. 48,652

Docket No.: 043210-1428-00
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APPENDIX A

Listing of Claims:

What is claimed is:

1-16. (Cancelled)

17. (Previously Presented) A break-away mounting system for mounting an electronic device to a motorcycle that includes a motorcycle riser having an upper portion and a lower portion that at least partially attach a handlebar to the motorcycle, the break-away mounting system comprising:

a first bracket connectable to at least one of the upper portion and the lower portion with a fastener;

a second bracket connectable to the electronic device and detachably connected to the first bracket, wherein rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket.

18. (Previously Presented) The break-away mounting system of claim 17, wherein the motorcycle includes a spacer, and wherein the spacer extends above the upper portion and is connected to the first bracket.

19. (Original) The break-away mounting system of claim 17, wherein the first bracket further comprises a bar, and wherein the second bracket includes an attachment portion that is substantially C-shaped, and wherein the attachment portion is detachably connected to the bar.

20. (Original) The break-away mounting system of claim 17, wherein the electronic device is an audio device.

21. (Original) The break-away mounting system of claim 17, wherein the second bracket includes legs that contact the first bracket along a line of contact, and wherein rotation of the second bracket relative to the first bracket about the line of contact disengages the second bracket from the first.

22. (Original) The break-away mounting system of claim 17, wherein the first bracket includes an aperture, and wherein the second bracket includes a tail portion extending through the aperture.

23. (Original) The break-away mounting system of claim 22, further comprising a grommet disposed within the aperture.

24-32. (Cancelled)

33. (Previously Presented) A break-away mounting system for mounting an electronic device to a motorcycle having a motorcycle riser, the break-away mounting system comprising:

a first bracket connectable to the motorcycle riser;

a second bracket connectable to the electronic device and detachably connected to the first bracket, wherein rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket, wherein the first bracket further comprises a bar, and wherein the second bracket includes an attachment portion that is substantially C-shaped, and wherein the attachment portion is detachably connected to the bar.

34. (Previously Presented) The break-away mounting system of claim 33, wherein the electronic device is an audio device.

35. (Previously Presented) The break-away mounting system of claim 33, wherein the motorcycle includes a spacer and the riser includes lower and upper portions, and wherein the spacer extends above the upper portion and is connected to the first bracket.

36. (Previously Presented) The break-away mounting system of claim 33, wherein the second bracket includes legs that contact the first bracket along a line of contact, and wherein rotation of the second bracket relative to the first bracket about the line of contact disengages the second bracket from the first.

37. (Previously Presented) The break-away mounting system of claim 33, wherein the first bracket includes an aperture, and wherein the second bracket includes a tail portion extending through the aperture.

38. (Previously Presented) The break-away mounting system of claim 37, further comprising a grommet disposed within the aperture.

39. (Previously Presented) A break-away mounting system for mounting an electronic device to a motorcycle riser, the riser including an upper portion, a lower portion, and a fastener that cooperate to attach a handlebar to the motorcycle, the break-away mounting system comprising:

a first bracket connectable to the riser, the fastener operable to attach the first bracket, the upper portion, and the lower portion to one another;

a bar including a first end and a second end, the bar attached to the first bracket; and

a second bracket connectable to the electronic device, the second bracket including a first clamp portion attachable to the bar near the first end and a second clamp portion attachable to the bar near the second end, the first clamp portion and the second clamp portion detachably connected to the bar.

40. (Previously Presented) The break-away mounting system of claim 39, wherein the motorcycle includes a spacer, and wherein the spacer extends above the upper portion and is connected to the first bracket.

41. (Previously Presented) The break-away mounting system of claim 39, wherein the first clamp portion and the second clamp portion each include an attachment portion that is substantially C-shaped, and wherein the attachment portion is detachably connected to the bar.

42. (Previously Presented) The break-away mounting system of claim 39, wherein the electronic device is an audio device.

43. (Previously Presented) The break-away mounting system of claim 39, wherein the first bracket includes an aperture, and wherein the second bracket includes a tail portion extending through the aperture.

44. (Previously Presented) The break-away mounting system of claim 43, further comprising a grommet disposed within the aperture.

45. (Previously Presented) The break-away mounting system of claim 39, wherein rotation of the second bracket relative to the first bracket disengages the second bracket from the first bracket.

APPENDIX B

Evidence:

None.

APPENDIX C

Related Proceedings:

None.